

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:13-cv-00489-MOC

**RICHARD D. ANDERSON,**

Plaintiff,

Vs.

**UNITED STATES LIFE INSURANCE  
COMPANY; AMERICAN GENERAL LIFE  
INSURANCE COMPANIES; AMERICAN  
MEDICAL ASSOCIATION INSURANCE  
AGENCY, INC.; AND WELLS FARGO BANK,**

Defendants.

ORDER

**THIS MATTER** is before the court on periodic review. Review of the pleadings and Orders of this court reveals that all claims against the insurance company defendants have been dismissed with prejudice. As to the bank defendant, Wells Fargo Bank, review of the docket reveals that such defendant has filed its Answer, but has not moved to dismiss. Typically, with the Bank's Answer, issues would have joined after the insurance company defendants' Motion to Dismiss was granted on October 7, 2014, L.Cv.R. 16.1(D), and the remaining parties would have been required to conduct an Initial Attorneys Conference within 14 days of such dismissal, L.Cv.R. 16.1(A), and file a Certificate of Initial Attorney's Conference within 7 days thereafter. L.Cv.R. 16.1(B). Having closely review the Second Amended Complaint and the Bank's Answer, such inactivity is reasonable as it appears that the Bank is not truly a defendant.

Review of the Second Amended Complaint reveals that no claims or causes of action have been asserted against the Bank. Indeed, in filing his Second Amended Complaint, plaintiff

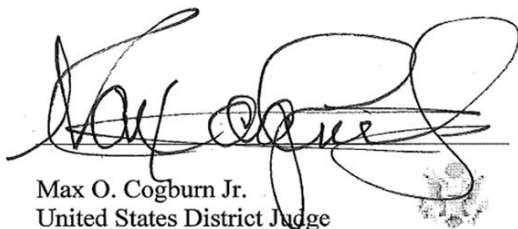
clearly expressed that it was his intent to have the Bank defendant realigned by the court as a plaintiff. Even if the Bank were to be realigned as plaintiff suggests, neither Dr. Anderson nor the Bank would have any viable causes of action to pursue against the insurance company defendants. With no viable causes of action remaining against any defendant, the court will dismiss the Bank as a defendant and direct the Clerk of Court to enter judgment terminating this action.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that Wells Fargo Bank, named as a “nominal defendant,” is **DISMISSED** from this action as no claims or causes or action have been asserted against such defendant.

**IT IS FURTHER ORDERED** that the Clerk of Court enter **JUDGMENT** dismissing this action in its entirety with prejudice for the reasons stated in this Order and in the court’s October 7, 2014, Order (#73), and therein provide that plaintiff have and take nothing of these defendants.

Signed: December 9, 2014



Max O. Cogburn Jr.  
United States District Judge